

Notice of Allowability

Application No.

10/076,230

Examiner

Andrew C. Flanders

Applicant(s)

AUFLICK ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The phone conversation regarding an Examiner's amendment on 29 March 2006.
2. ☒ The allowed claim(s) is/are 1-10 and 12-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark L. Mollon on 29 March 2006.

The application has been amended as follows:

1. (Currently Amended) A method of organizing digital audio tracks on a predetermined media for navigation and selection by a user of an audio player having a display, said predetermined media storing said digital audio tracks in a directory based file system, said method comprising the steps of:

scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks;

numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in a flat tile mode;

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in a single-level directory mode;

numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number;

said user selecting either said flat file mode or said directory mode;

when in said flat file mode, said audio player displaying said flat-file selection numbers and said user searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

when in said directory mode, said audio player displaying said directory numbers and said in-directory selection numbers and said user selecting a desired directory and then searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers; and

wherein said display has the ability to display a maximum of one selection number at a time.

9. (Currently Amended) An audio player for reproducing selections from a predetermined media containing digital audio tracks stored in a directory based file system, said audio player comprising:

an alphanumeric display showing selection number identifying data;

a user control interface for selecting either a flat-file mode or a directory mode and for navigating sequentially through said selection number identifying data in each of said modes; and

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a controller for scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks, for numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in said flat file mode, for numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in said directory mode, for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number, for causing said display to show said flat-file selection number when in said flat file mode, and for causing said display to show said directory number and said in-directory selection number when in said directory mode;

wherein, when in said flat file mode, said controller is responsive to said user control interface for searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

wherein, when in said directory mode, said controller is responsive to said user control interface for selecting a desired directory and then for searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers; and

wherein said display has the ability to display a maximum of one selection number at a time.

Allowable Subject Matter

Claims 1 –10 and 12 - -14 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 1 and 9 disclose various numbering techniques for a file system in an audio player. Fig. 13 of Morita (U.S. Patent 6,745,199) discloses the flat file numbering techniques disclosed by Applicant while Katz (U.S. Patent 6,356,971) discloses the in directory and directory numbers claimed in Fig. 4B and 4C. However, these two pieces of prior art and the other relevant are directed to a display such as a computer screen which has a nearly unlimited amount of display capabilities. Applicant's invention, similar to Fig. 3 has a limited display which can only show one selection number at a time. This difference sets it apart from the prior art as it is neither anticipated by the cited prior art nor would it have been obvious to one of ordinary skill in the art at the time of the invention to modify the prior art in this manner. As such claims 1 and 9 are considered to contain allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf



SINH TRAN
SUPERVISORY PATENT EXAMINER